

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
RICHMOND DIVISION**

KIMBERLY-CLARK CORPORATION,	)	
	)	
Plaintiff,	)	Case No. <u>3:18cv02</u>
	)	
v.	)	
	)	
CLARE MEDICAL, INC.; MDR	)	
SPECIALTY DISTRIBUTION	)	
CORPORATION; VENUITY	)	
CORPORATION; and HERBERT A. TOMS	)	
III,	)	
	)	
Defendants.	)	
	)	

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**JOINT STIPULATION OF DISMISSAL WITH PREJUDICE AND JOINT MOTION TO  
RETAIN JURISDICTION TO ENFORCE SETTLEMENT AGREEMENT**

IT IS HEREBY STIPULATED AND AGREED, by and between Plaintiff Kimberly-Clark Corporation (“Kimberly-Clark”) and Defendants Clare Medical, Inc., MDR Specialty Distribution Corporation, Venuity Corporation, and Herbert A. Toms, III (collectively, the “Clare Medical Defendants”), that this action against the Clare Medical Defendants shall be dismissed with prejudice pursuant to Rule 41(a)(1)(A)(ii) of the Federal Rules of Civil Procedure, with each party to bear its own costs and fees. Kimberly-Clark and the Clare Medical Defendants expressly condition this dismissal upon the Court entering an order retaining jurisdiction to enforce the terms of the settlement agreement, as requested herein.

Kimberly-Clark and the Clare Medical Defendants have entered into a settlement agreement which has resolved all issues and controversies to their mutual satisfaction. The parties jointly request that the Court enter the attached order dismissing this suit with prejudice without costs, interest, or attorney fees awarded to either party, and retaining jurisdiction solely

for the purpose of enforcing the parties' settlement agreement.

A proposed order is attached.

Dated: July 30, 2018

/s/ Jeffrey S. Rosenberg

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**CLARE MEDICAL, INC., MDR SPECIALTY  
DISTRIBUTION CORPORATION, VENUITY  
CORPORATION, and HERBERT A. TOMS III**

**CERTIFICATE OF SERVICE**

I hereby certify that, on July 30, 2018, I electronically transmitted the enclosed Joint Stipulation of Dismissal using the CM/ECF system for filing and transmittal to the follow ECF

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DATED: July 30, 2018

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